

Message Text

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ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 ACDA-12 CIAE-00 INR-10 IO-13
L-03 NSAE-00 NSC-05 EB-08 NRC-05 SOE-02 DODE-00
SS-15 SP-02 CEQ-01 EA-10 PM-05 /111 W
-----023817 222115Z /65

R 211530Z APR 78
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 6057
INFO AMEMBASSY LISBON
USDOEHQ WASHDC
USDOEHQ GERMANTOWN

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USIAEA

DEPT PASS IO/SCT
DOE FOR AMMONS AND MCFADDEN, IA

E.O. 11652: N/A
TAGS: IAEA TECH PARM PO
SUBJECT: PROTOCOL TO SUSPEND US/IAEA/PORTUGAL TRILATERAL
SAFEGUARDS TRANSFER AGREEMENT.

1. SUMMARY. IAEA HAS INFORMED MISSION THAT PORTUGUESE
HAVE COMPLETED NEGOTIATIONS ON THEIR NPT SAFEGUARDS AGREE-
MENT WITH IAEA, WHICH WILL BE CONSIDERED AT BOARD OF
GOVERNORS MEETINGS IN JUNE. UPON ENTRY INTO FORCE OF THAT
AGREEMENT, IT WILL BE NECESSARY TO SUSPEND THE EXISTING
US/IAEA/PORTUGAL TRILATERAL SAFEGUARDS AGREEMENT. TO AC-
COMPLISH THIS, MISSION HAS PREPARED DRAFT PROTOCOL, TEXT
OF WHICH FOLLOWS BELOW, FOR DEPT'S CONSIDERATION. TEXT IS
BASED ON RECENT DRAFT IN CONNECTION WITH SIMILAR JAPANESE
CASE. ACTION REQUESTED: IF TEXT OF PROTOCOL IS ACCEPTABLE
TO DEPT, WE RECOMMEND (1) THAT AMEMBASSY LISBON BE RE-
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QUESTED TO TAKE UP MATTER WITH GOP AND SEEK THEIR VIEWS
AND, HOPEFULLY, OBTAIN THEIR AGREEMENT ON TEXT; AND (2)
THAT MISSION BE REQUESTED TO SEEK IAEA AGREEMENT ON TEXT,
SINCE IT WILL HAVE TO BE SIGNED BY THE THREE PARTIES
INVOLVED. END SUMMARY.

2. BEGIN TEXT OF DRAFT PROTOCOL:

PROTOCOL TO SUSPEND THE APPLICATION OF SAFEGUARDS PURSUANT TO THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF PORTUGAL AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS AND PROVIDING FOR THE APPLICATION OF SAFEGUARDS PURSUANT TO THE NON-PROLIFERATION TREATY.

THE INTERNATIONAL ATOMIC ENERGY AGENCY (HEREINAFTER REFERRED TO AS THE "AGENCY"), THE GOVERNMENT OF PORTUGAL AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA;

RECOGNIZING THAT THE AGENCY HAS BEEN APPLYING SAFEGUARDS IN ACCORDANCE WITH THE PROVISIONS OF THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF PORTUGAL AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS SIGNED ON 11 JULY 1969 (HEREINAFTER REFERRED TO AS THE "SAFEGUARDS TRANSFER AGREEMENT") TO MATERIALS EQUIPMENT AND FACILITIES REQUIRED TO BE SAFEGUARDED UNDER THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PORTUGAL CONCERNING CIVIL USES OF ATOMIC ENERGY SIGNED ON 3 JULY 1969 (HEREINAFTER REFERRED TO AS THE "AGREEMENT FOR COOPERATION"), TO ENSURE SO FAR AS IT IS ABLE THAT THEY WILL NOT BE USED IN SUCH A WAY AS TO FURTHER ANY MILITARY PURPOSE;

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RECOGNIZING THAT PORTUGAL, AS A NON-NUCLEAR-WEAPON STATE PARTY TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (HEREINAFTER REFERRED TO AS THE "TREATY") HAS CONCLUDED WITH THE AGENCY AN AGREEMENT FOR THE APPLICATION OF SAFEGUARDS (HEREINAFTER REFERRED TO AS THE "TREATY SAFEGUARDS AGREEMENT") PURSUANT TO PARAGRAPH 4 OF ARTICLE III OF THE TREATY;

RECOGNIZING THAT ARTICLE 23 OF THE TREATY SAFEGUARDS AGREEMENT PROVIDES FOR THE SUSPENSION OF AGENCY SAFEGUARDS IN PORTUGAL APPLIED PURSUANT TO OTHER SAFEGUARDS AGREEMENTS WITH THE AGENCY;

RECOGNIZING THAT, UNDER ARTICLE IX OF THE AGREEMENT FOR COOPERATION, THE GOVERNMENT OF PORTUGAL HAS GUARANTEED THAT NO MATERIAL, INCLUDING EQUIPMENT AND DEVICES, TRANSFERRED TO THE GOVERNMENT OF PORTUGAL OR AUTHORIZED PERSONS UNDER ITS JURISDICTION BY PURCHASE OR OTHERWISE PURSUANT TO THE AGREEMENT FOR COOPERATION, AND NO SPECIAL NUCLEAR MATERIAL PRODUCED THROUGH THE USE OF SUCH MATERIAL, EQUIPMENT, OR DEVICES, WILL BE USED FOR ATOMIC WEAPONS, OR FOR RESEARCH ON OR DEVELOPMENT OF ATOMIC WEAPONS, OR FOR ANY OTHER

MILITARY PURPOSE;

HAVE AGREED;

1. THE TREATY SAFEGUARDS AGREEMENT SHALL BE APPLIED AS THEREIN PROVIDED AND THE APPLICATION OF SAFEGUARDS PURSUANT TO THE SAFEGUARDS TRANSFER AGREEMENT SHALL BE SUSPENDED DURING THE TIME AND TO THE EXTENT THAT THE TREATY SAFEGUARDS AGREEMENT IS IN FORCE AND SAFEGUARDS SPECIFIED IN THE TREATY SAFEGUARDS AGREEMENT ARE BEING APPLIED BY

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L-03 NSAE-00 NSC-05 EB-08 NRC-05 SOE-02 DODE-00
SS-15 SP-02 CEQ-01 EA-10 PM-05 /111 W
-----023837 222115Z /65

R 211530Z APR 78
FM AMEMBASSY VIENNA
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USDOEHQ WASHDC
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THE AGENCY.

2. IN THE EVENT THAT PORTUGAL INTENDS TO EXERCISE ITS DISCRETION IN ACCORDANCE WITH ARTICLE 14 OF THE TREATY SAFEGUARDS AGREEMENT TO USE ANY NUCLEAR MATERIAL REQUIRED TO BE SAFEGUARDED UNDER THAT AGREEMENT IN A MILITARY ACTIVITY NOT PROSCRIBED BY THE TREATY, THE GOVERNMENT OF PORTUGAL WILL SATISFY THE AGENCY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA THAT SUCH MATERIAL IS NOT SUBJECT TO THE GUARANTEES MADE TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA BY THE GOVERNMENT OF PORTUGAL IN ARTICLE IX OF THE AGREEMENT FOR COOPERATION. THE GOVERNMENT OF PORTUGAL AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA TAKE THIS OPPORTUNITY TO REAFFIRM THEIR MUTUAL UNDERSTANDING THAT THE USES PRECLUDED BY ARTICLE IX OF THE AGREEMENT FOR COOPERATION INCLUDE USE FOR ANY NUCLEAR EXPLOSIVE DEVICE OR FOR RESEARCH ON OR DEVELOPMENT OF ANY NUCLEAR EXPLOSIVE DEVICE.

4. THIS PROTOCOL SHALL ENTER INTO FORCE UPON SIGNATURE
BY OR FOR THE DIRECTOR GENERAL OF THE AGENCY AND BY THE
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AUTHORIZED REPRESENTATIVES OF THE GOVERNMENT OF PORTUGAL
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

DONE IN VIENNA, THIS (BLANK) DAY OF (BLANK), 1978, IN
TRIPLICATE IN THE ENGLISH LANGUAGE.

FOR THE GOVERNMENT OF PORTUGAL:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE INTERNATIONAL ATOMIC ENERGY AGENCY:

KIRK

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR AGREEMENTS, TREATY TERMINATION, NUCLEAR SAFEGUARDS, NEGOTIATIONS, TREATY ENTRY INTO FORCE
Control Number: n/a
Copy: SINGLE
Draft Date: 21 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
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Expiration:
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Format: TEL
From: VIENNA USIAEA
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1978/newtext/t19780429/aaaaaxxo.tel
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Review Exemptions: n/a
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SAS ID: 2882999
Secure: OPEN
Status: NATIVE
Subject: PROTOCOL TO SUSPEND US/IAEA/PORTUGAL TRILATERAL SAFEGUARDS TRANSFER AGREEMENT.
TAGS: TECH, PARM, PO, US, IAEA
To: STATE
Type: TE
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